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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

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TERON ALEXANDER FRANCIS, et al.	:	
	:	ECF CASE
Plaintiffs,	:	
	:	<u>NOTICE OF MOTION</u>
v.	:	
	:	07 Civ. 9450 (GBD) (AJP)
THE BRONX-LEBANON HOSPITAL	:	
CENTER, et al.,	:	
	:	
Defendants.	:	
-----X		

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Federal Defendants' Motion to Substitute the United States as Defendant and to Dismiss the Complaint as Against the United States; the Declaration of Emily E. Daughtry, dated October 29, 2007, and the accompanying exhibits; and the Declaration of Richard G. Bergeron, dated August 30, 2007, defendants the Dr. Martin Luther King, Jr. Health Center, Robert C. Bingham, D.D.S., and Arnold V. Homer, D.D.S. ("the Federal Defendants"), by their attorney, Michael J. Garcia, United States Attorney for the Southern District of New York, move this Court on October 29, 2007, for an order substituting the United States of America as defendant in place of the Federal Defendants and dismissing the Complaint as against the United States for

lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Dated: New York, New York
October 29, 2007

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